

**REMARKS**

In light of the following remarks, reconsideration of the present application is requested. Claims 1, 4-8, 19, and 26-32 are pending in the application. Claims 1, 4-8, and 19 are amended. Claims 2, 3, 9-18, and 20-25 are canceled. Claims 26-32 are new.

**35 U.S.C. §101 Rejections**

The Examiner rejects claims 23-24 under 35 U.S.C. § 101, alleging they are drawn to non-statutory subject matter.

Although the Applicants do not agree with the Examiner's position regarding the patentability of claims 23 and 24, to further prosecution, the Applicants have canceled claims 23 and 24. Accordingly, the Applicants respectfully request the rejections under 35 U.S.C. § 101 be withdrawn.

**35 U.S.C. §102 Rejections**

Claims 1-6 and 8-24 are rejected under 35 U.S.C. § 102(e) as being anticipated by Tsumagari et al (U.S. Publication No. 2004/0126095). The Applicants respectfully traverse.

The Examiner alleges that Tsumagari discloses an enhanced DVD optical disc having an AV stream and enhanced data. Assuming the Examiner is correct (which is not admitted), the Applicants submit Tsumagari fails to disclose, at least, "setting whether the processed enhanced data is to be reproduced or not based on a command from at least one of a program of the external data, a program of the internal data, and a user," as recited in claim 1. Rather, Tsumagari merely discloses displaying the

enhanced data (ENAV content) together with the AV data. Because Tsumagari does not disclose, at least, "setting whether the processed enhanced data is to be reproduced or not based on a command from at least one of a program of the external data, a program of the internal data, and a user," as recited in claim 1, the Applicants submit Tsumagari does not anticipate claim 1.

For at least the reasons given above, the Applicants respectfully request the rejection of claim 1, and all claims which depend thereon, under 35 U.S.C. § 102(e) as being anticipated by Tsumagari be withdrawn.

For somewhat similar reasons, the Applicants respectfully request the rejection of claim 19, and all claims which depend thereon, under 35 U.S.C. § 102(e) as being anticipated by Tsumagari be withdrawn.

### **35 U.S.C. §103 Rejections**

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tsumagari et al. (U.S. Publication No. 2004/0126095) in view of Chatterton (U.S. Patent No. 7,116,894), in further in view of Mekenkamp et al. (U.S. Publication No. 2004/0091249). The Applicants respectfully traverse.

For at least the reasons set forth above, the Applicants submit that Tsumagari fails to disclose, at least, "setting whether the processed enhanced data is to be reproduced or not based on a command from at least one of a program of the external data, a program of the internal data, and a user," as recited in claim 1. The Applicants further submit that neither Mekenkamp nor Chatterton disclose the instant feature. Accordingly, the Applicants submit that even if one skilled in the art did combine Tsumagari with Chatterton and Mekenkamp (the combinability of which

is not admitted), the combination would not disclose the instant feature. Accordingly, the Applicants submit the combination of Tsumagari, Chatterton, and Mekenkamp cannot render claim 1 obvious. Additionally, the Applicants submit claim 7 is nonobvious over the combination of Tsumagari, Chatterton, and Mekenkamp at least by virtue of its dependency on claim 1.

For at least the reasons given above, the Applicants respectfully request the rejection of claim 7 under 35 U.S.C. § 103 as being obvious over the combination of Tsumagari, Chatterton, and Mekenkamp be withdrawn.

Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tsumagari et al. (U.S. Publication No. 2004/0126095) in view of Mekenkamp et al. (U.S. Publication No. 2004/0091249). The Applicants respectfully traverse.

Although the Applicants do not agree that the combination of Tsumagari and Mekenkamp render claim 25 obvious, to further prosecution, the Applicants have canceled claim 25.

**New Claims**

Claims 26-32 are new and are believed to be allowable at least by virtue of their dependency on their respective base claims.

**CONCLUSION**

Accordingly, in view of the above amendments and remarks, reconsideration of the objections and rejections and allowance of each of the pending claims in connection with the present application is earnestly solicited.

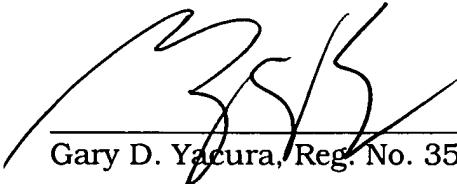
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John A. Castellano at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. §1.17; particularly, extension of time fees.

Respectfully submitted,

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By

  
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